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REMARKS

Claims 2, 3 and 8 - 14 remain in the application with claim 14 being the only independent claim.

With respect to the rejection of claims 2, 3 and 8 - 14 under 35 USC 103 over Bowers and Hawley, these rejections are respectfully traversed. New claim 14 is original claim 7 rewritten in independent form. Claim 14, lines 10 - 12, require

“...wherein there are grooves extending between said lands, and wherein said grooves form passageways between said lands, and wherein said passageways are serpentine”.

This structure is not disclosed by the cited references, as admitted by the examiner (see page 2, last 2 lines and page 3, first 2 lines). The examiner has attempted to cure the deficiencies of the combined references by stating that the missing structural limitation in the references is “a design choice”, and makes this conclusion without any supporting evidence as to why a person of ordinary skill in the art would deliberately place openings in a seal to “form passageways” and, then, to make the passageways “serpentine”.

By making the lands in the manner disclosed by applicant, there is less material used since the lands do not have to extend completely across the seal 6. The serpentine path will, however, hinder the passage of any contaminants and applicant achieves a complete seal without using all of the material that Hawley et al uses in forming their seal.

Clearly, a person of ordinary skill in the art would not normally place passages in a seal member, because this would destroy the

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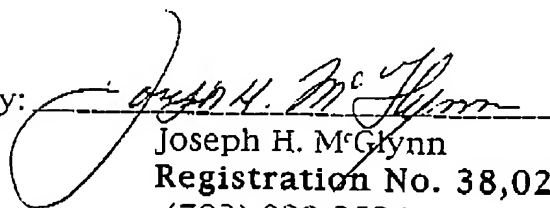
effectiveness of the seal. Therefore, the examiner's assertions that this structure is a "design choice", without any supporting evidence, is clearly wishful thinking.

Rejections based on 35 USC 103 must rest on a factual basis. In re Warner, 379, F.2d 1011, 1017, 154 USPQ 173, 177-78 (CCPA 1967). In making such a rejection, the examiner has the duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis.

From the above mentioned remarks and amendments, the Examiner's rejections and objections are thought to be overcome. Accordingly, this application is believed to be in condition for allowance. Therefore an early notice to this effect is respectfully requested.

Respectfully submitted,
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